

REMARKS

Claims 1-8, 11 and 12 are pending in this application. By this Amendment, claims 1 and 11 are amended. Claims 9 and 10 are canceled without disclaimer of, or prejudice to, the features recited therein. Claims 6 and 12 have been withdrawn from consideration by the Examiner. No new matter is added. Reconsideration based on the foregoing amendments and the following remarks are respectfully requested.

The Office Action objects to claim 9 for being of improper dependent form; rejects claim 9 under 35 U.S.C. §112, first paragraph, for failing to comply with the written description requirement; further rejects claim 9 under 35 U.S.C. §112, second paragraph, for being indefinite; rejects claims 1-5, 7-9 and 11 under 35 U.S.C. §103(a) over U.S. Patent No. 5,558,370 to Behr in view of U.S. Patent No. 5,788,281 to Yanagi; and rejects claims 3-5 and 9 under 35 U.S.C. §103(a) over Behr in view of Yanagi and further in view of U.S. Patent Application Publication No. 2001/0054816 to Brambilla et al. ("Brambilla") or U.S. Patent No. 6,618,655 B2 to Tobaru et al. ("Tobaru"). These rejections and objections are respectfully traversed.

By this Amendment, claim 9 is canceled. Applicant respectfully asserts the grounds for the rejections and objections of claim 9 are rendered moot.

In paragraph 10 of the Office Action, the Office Action asserts that Behr discloses a seatbelt apparatus for a vehicle that includes most of the features recited in the pending claims. However, the Office Action notes that Behr does not include movement state quantity data that includes rollover data to tension or pretension the seatbelt apparatus. The Office Action then asserts that Yanagi teaches a control seatbelt mechanism where retraction is based on rollover. Consequently, the Office Action asserts that a combination of Behr and Yanagi discloses the features recited in the pending claims.

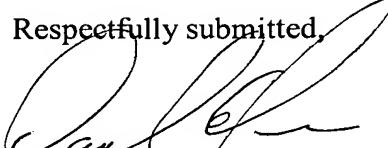
However, neither Behr nor Yanagi, either alone or in combination, disclose a seatbelt apparatus with a first and second belt retracting controller in which the first belt retracting controller operation may be avoided or stopped based on prior data indicating a low possibility that the vehicle will roll over during a previous first belt retractor operation, as recited in claims 1 and 11. Support for this additional recited feature may be found in the discussion of the rollover flag in paragraphs [0023] - [0028] of the specification and is further illustrated in steps 112, 116, 120 and 124 of Fig. 2. Neither Behr nor Yanagi disclose or suggest a mechanism such as the rollover flag disclosed in the specification that will avoid or cease first belt retracting controller operation based on historical data that shows a low possibility of vehicle rollover. Further, neither Brambilla nor Tobaru cure the deficiencies of Behr and Yanagi.

For at least the foregoing reason, claims 1 and 11 recite features not disclosed by the applied art. Further, the claims depending from claim 1 are allowable for at least the foregoing reason, as well as for the additional features that they recite. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 6, 10 and 12 have been withdrawn from consideration by the Examiner. By this Amendment, claim 10 is canceled. Applicant respectfully requests rejoinder of claims 6 and 12 upon the allowance of generic claim 1.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-8, 11 and 12 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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